

HOUSE BILL NO. 74

INTRODUCED BY R. BUZZAS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SCHOOL DISTRICT TRANSPORTATION LAWS; CLARIFYING WHAT TRANSPORTATION DOCUMENTS THE COUNTY SUPERINTENDENT SHALL KEEP AND WHAT DOCUMENTS MUST BE FORWARDED TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION; ALLOWING A SCHOOL DISTRICT TO PAY THE TRANSPORTATION COSTS FOR FIELD TRIPS OUT OF THE TRANSPORTATION FUND BUDGET; CLARIFYING THAT THE COSTS ARE NOT REIMBURSABLE; AMENDING SECTIONS 20-3-205 AND 20-10-143, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-3-205, MCA, is amended to read:

"20-3-205. Powers and duties. The county superintendent has general supervision of the schools of the county within the limitations prescribed by this title and shall perform the following duties or acts:

(1) determine, establish, and reestablish trustee nominating districts in accordance with the provisions of 20-3-352, 20-3-353, and 20-3-354;

(2) administer and file the oaths of members of the boards of trustees of the districts in the county in accordance with the provisions of 20-3-307;

(3) register the teacher or specialist certificates or emergency authorization of employment of any person employed in the county as a teacher, specialist, principal, or district superintendent in accordance with the provisions of 20-4-202;

(4) act on each tuition and transportation obligation submitted in accordance with the provisions of 20-5-323 and 20-5-324;

(5) file a copy of the audit report for a district in accordance with the provisions of 20-9-203;

(6) classify districts in accordance with the provisions of 20-6-201 and 20-6-301;

(7) keep a transcript of the district boundaries of the county;

(8) fulfill all responsibilities assigned under the provisions of this title regulating the organization, alteration, or abandonment of districts;

(9) act on any unification proposition and, if approved, establish additional trustee nominating districts

1 in accordance with 20-6-312 and 20-6-313;

2 (10) estimate the average number belonging (ANB) of an opening school in accordance with the
3 provisions of 20-6-502, 20-6-503, 20-6-504, or 20-6-506;

4 (11) process and, when required, act on school isolation applications in accordance with the provisions
5 of 20-9-302;

6 (12) complete the budgets, compute the budgeted revenue and tax levies, file final budgets and budget
7 amendments, and fulfill other responsibilities assigned under the provisions of this title regulating school
8 budgeting systems;

9 (13) submit an annual financial report to the superintendent of public instruction in accordance with the
10 provisions of 20-9-211;

11 (14) monthly, unless otherwise provided by law, order the county treasurer to apportion state money,
12 county school money, and any other school money subject to apportionment in accordance with the provisions
13 of 20-9-212, 20-9-347, 20-10-145, or 20-10-146;

14 (15) act on any request to transfer average number belonging (ANB) in accordance with the provisions
15 of 20-9-313(3);

16 (16) calculate the estimated budgeted general fund sources of revenue in accordance with the general
17 fund revenue provisions of the general fund part of this title;

18 (17) compute the revenue and compute the district and county levy requirements for each fund included
19 in each district's final budget and report the computations to the board of county commissioners in accordance
20 with the provisions of the general fund, transportation, bonds, and other school funds parts of this title;

21 (18) file ~~and forward~~ bus driver certifications; and transportation contracts; and forward state
22 transportation reimbursement claims in accordance with the provisions of 20-10-103, 20-10-143, or 20-10-145;

23 (19) for districts that do not employ a district superintendent or principal, recommend library book and
24 textbook selections in accordance with the provisions of 20-7-204 or 20-7-602;

25 (20) notify the superintendent of public instruction of a textbook dealer's activities when required under
26 the provisions of 20-7-605 and otherwise comply with the textbook dealer provisions of this title;

27 (21) act on district requests to allocate federal money for indigent children for school food services in
28 accordance with the provisions of 20-10-205;

29 (22) perform any other duty prescribed from time to time by this title, any other act of the legislature, the
30 policies of the board of public education, the policies of the board of regents relating to community college

districts, or the rules of the superintendent of public instruction;

(23) administer the oath of office to trustees without the receipt of pay for administering the oath;

(24) keep a record of official acts, preserve all reports submitted to the superintendent under the provisions of this title, preserve all books and instructional equipment or supplies, keep all documents applicable to the administration of the office, and surrender all records, books, supplies, and equipment to the next superintendent;

(25) within 90 days after the close of the school fiscal year, publish an annual report in the county newspaper stating the following financial information for the school fiscal year just ended for each district of the county:

(a) the total of the cash balances of all funds maintained by the district at the beginning of the year;

(b) the total receipts that were realized in each fund maintained by the district;

(c) the total expenditures that were made from each fund maintained by the district; and

(d) the total of the cash balances of all funds maintained by the district at the end of the school fiscal year; and

(26) hold meetings for the members of the trustees from time to time at which matters for the good of the districts must be discussed."

Section 2. Section 20-10-143, MCA, is amended to read:

"20-10-143. Budgeting for transportation and transmittal of transportation contracts. (1) The trustees of a district furnishing transportation to pupils who are residents of the district shall provide a transportation fund budget that is adequate to finance the district's transportation contractual obligations and any other transportation expenditures necessary for the conduct of its transportation program. The transportation fund budget must include:

(a) an adequate amount to finance the maintenance and operation of school buses owned and operated by the district;

(b) the annual contracted amount for the maintenance and operation of school buses by a private party;

(c) the annual contracted amount for individual transportation, including any increased amount because of isolation, which may not exceed the schedule amounts prescribed in 20-10-142;

(d) any amount necessary for the purchase, rental, or insurance of school buses; and

(e) any other amount necessary to finance the administration, operation, or maintenance of the

1 transportation program of the district, as determined by the trustees.

2 (2) The trustees may include a contingency amount in the transportation fund budget for the purpose
3 of enabling the district to fulfill an obligation to provide transportation in accordance with this title for:

4 (a) pupils not residing in the district at the time of the adoption of the final budget and who subsequently
5 became residents of the district during the school fiscal year;

6 (b) pupils who have become eligible transportees since the adoption of the final budget because their
7 legal residence has been changed; or

8 (c) other unforeseen increases in bus route mileage or obligations for payment of additional contracts
9 for individual transportation for an eligible transportee for which state and county reimbursement is authorized
10 under 20-10-141 and 20-10-142. The budgeted contingency amount may not exceed 10% of the transportation
11 schedule amount as calculated under the provisions of 20-10-141 and 20-10-142 for all transportation services
12 authorized by the schedules and provided by the district unless 10% of the transportation schedule amount is
13 less than \$100, in which case \$100 is the maximum limitation for the budgeted contingency amount.

14 (3) The trustees may include in the transportation fund budget the expenditures for the transportation
15 of district students in a school bus for curriculum-related field trips. The expenditures under this subsection are
16 not eligible for a state or county reimbursement.

17 ~~(3)(4)~~ A budget amendment to the transportation fund budget may be adopted subject to the provisions
18 of 20-9-161 through 20-9-166.

19 ~~(4)(5)~~ The trustees shall report the transportation fund budget on the regular budget form prescribed
20 by the superintendent of public instruction in accordance with 20-9-103, and the adoption of the transportation
21 fund budget must be completed in accordance with the school budgeting laws. When the adopted final budget
22 is sent to the county superintendent, the trustees shall also send copies of all completed transportation contracts
23 for school bus transportation to the county superintendent. The contracts must substantiate all contracted school
24 bus transportation services incorporated in the final budget."

25
26 **NEW SECTION. Section 3. Effective date.** [This act] is effective July 1, 2005.

27 - END -